

Supreme Court of the
United States

October Term, 2004

HEARING LIST

For the Session Beginning
November 1, 2004

**THE JUSTICES AND THE JUDICIAL CIRCUITS
TO WHICH THEY ARE ASSIGNED**

HON. WILLIAM H. REHNQUIST, Chief Justice, Fourth,
District of Columbia and Federal Circuits.

HON. JOHN PAUL STEVENS, Associate Justice, Sixth
and Seventh Circuits.

HON. SANDRA DAY O'CONNOR, Associate Justice, Ninth
Circuit.

HON. ANTONIN SCALIA, Associate Justice, Fifth Circuit.

HON. ANTHONY M. KENNEDY, Associate Justice, Elev-
enth Circuit.

HON. DAVID H. SOUTER, Associate Justice, First and
Third Circuits.

HON. CLARENCE THOMAS, Associate Justice, Eighth
Circuit.

HON. RUTH BADER GINSBURG, Associate Justice, Sec-
ond Circuit.

HON. STEPHEN BREYER, Associate Justice, Tenth
Circuit.

OFFICERS OF THE COURT

WILLIAM K. SUTER, Clerk.

FRANK D. WAGNER, Reporter of Decisions.

PAMELA TALKIN, Marshal.

JUDITH A. GASKELL, Librarian.

NOTICE TO COUNSEL

1. The Clerk timely informs counsel as to the day counsel must be present for oral argument. The Court convenes at 10 a.m. and each case is usually heard on the date assigned.

2. Counsel scheduled to argue must report to the Lawyers' Lounge between 9:00 and 9:15 a.m. on the day assigned for argument. The Clerk will brief you at that time and provide assistance. Identification cards will be issued to the attorneys authorized to occupy seats at argument tables. Counsel arguing cases *should not* introduce themselves nor introduce co-counsel to the Court at the time of argument. Members of the Court should be addressed by their proper titles—"Chief Justice" or "Justice," as the case may be—and not as "judge."

3. Counsel are expected to take note of time limitations and inquiry should not be made of the Court as to the amount of time remaining. A white light will appear when five minutes remain and a red light when the time has expired. When the Court permits a division of time for argument, the use of more than the agreed time by one attorney does not extend the total time allotted. Counsel should conclude argument promptly when the red light appears unless responding to a question from the Court.

4. During argument counsel should at all times speak into the microphone so that the Justices may hear them and that a clear tape recording can be made. Counsel should also avoid having notes or books touch the microphone since this seriously interferes with the recording process.

5. Counsel in cases to be argued in the afternoon should assemble at the Clerk's desk in the Courtroom when the noon recess begins. An escort will arrange expedited service in the public cafeteria located in the Court building.

6. Appropriate attire for counsel is conservative business dress. If formal attire is worn, it should conform with custom.

WILLIAM K. SUTER, *Clerk.*

HEARING LIST

Monday, November 1, 2004

No. 03–892. *Commissioner of Internal Revenue v. John W. Banks, II*; and

No. 03–907. *Commissioner of Internal Revenue v. Sigitas J. Banaitis*.

Certiorari to the C. A. 6th Circuit and certiorari to the C. A. 9th Circuit.

For petitioner: David B. Salmons, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (*pro hac vice*.)

For respondent Banks: James R. Carty, Los Angeles, Calif. (*pro hac vice*.)

For respondent Banaitis: Philip N. Jones, Portland, Ore. (Consolidated—1 hour for argument.)

No. 03–814. *Willard Stewart v. Dutra Construction Company*.

Certiorari to the C. A. 1st Circuit.

For petitioner: David B. Kaplan, Boston, Mass., and Lisa S. Blatt, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for the United States, as *amicus curiae*.)

For respondent: Frederick E. Connelly, Jr., Boston, Mass.

(1 hour for argument.)

Tuesday, November 2, 2004

No. 03–931. *Florida v. Joe Elton Nixon*.

Certiorari to the Supreme Court of Florida.

For petitioner: George S. Lemieux, Deputy Attorney General, Tallahassee, Fla.; and Irving L. Gornstein, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for the United States, as *amicus curiae*.)

For respondents: Edward H. Tillinghast, III, New York, N. Y.

(1 hour for argument.)

No. 03–636. *Garrison S. Johnson v. California, et al.*

Certiorari to the C. A. 9th Circuit.

For petitioner: Bert H. Deixler, Los Angeles, Calif., and
Paul D. Clement, Acting Solicitor General, Department of Justice, Washington, D. C. (for United States, as *amicus curiae*.)

For respondent: Frances T. Grunder, Senior Assistant Attorney General, San Francisco, Calif.

(1 hour for argument.)

Wednesday, November 3, 2004

No. 03–750. *Gary Sherwood Small v. United States.*

Certiorari to the C. A. 3rd Circuit.

For petitioner: Paul D. Boas, Pittsburgh, Pa.

For respondent: Patricia A. Millett, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(1 hour for argument.)

No. 03–1160. *Azel P. Smith, et al. v. City of Jackson, Mississippi, et al.*

Certiorari to the C. A. 5th Circuit.

For petitioners: Thomas C. Goldstein, Washington, D. C.

For respondents: Glen D. Nager, Washington, D. C.

(1 hour for argument.)

Monday, November 8, 2004

No. 03–710. *Gerald Devenpeck, et al. v. Jerome Anthony Alford.*

Certiorari to the C. A. 9th Circuit.

For petitioners: Maureen A. Hart, Senior Assistant Attorney General, Olympia, Wash., and James B. Comey, Deputy Attorney General, Office of Deputy Attorney General, Washington, D. C. (for United States, as *amicus curiae*.)

For respondent: R. Stuart Phillips, Poulsbo, Wash.

(1 hour for argument.)

No. 03–9168. *Reginald Shepard v. United States.*

Certiorari to the C. A. 1st Circuit.

For petitioner: Linda J. Thompson, Springfield, Mass.
(Appointed by this Court.)

For respondent: John P. Elwood, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(1 hour for argument.)

Tuesday, November 9, 2004

No. 02–1472. *Cherokee Nation of Oklahoma and Shoshone-Paiute Tribes of the Duck Valley Reservation v. Tommy G. Thompson, Secretary of Health and Human Services, et al.*; and

No. 03–853. *Tommy G. Thompson, Secretary of Health and Human Services v. Cherokee Nation of Oklahoma.*

Certiorari to the C. A. 10th Circuit and the C. A. Federal Circuit.

For petitioners: Lloyd B. Miller, Washington, D. C.

For respondents: Sri Srinivasan, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

(Consolidated—1 hour for argument.)

No. 03–725. *David B. Pasquantino, Carl J. Pasquantino, and Arthur Hilts v. United States.*

Certiorari to the C. A. 4th Circuit.

For petitioners: Laura W. Brill, Los Angeles, Calif.

For respondent: Michael R. Dreeben, Deputy Solicitor General, Department of Justice, Washington, D. C.

Wednesday, November 10, 2004

No. 03–923. *Illinois v. Roy I. Caballes.*

Certiorari to the Supreme Court of Illinois.

For petitioner: Lisa Madigan, Attorney General, Chicago, Ill.; and Christopher A. Wray, Assistant Attorney General, Criminal Division, Washington, D. C. (for United States, as *amicus curiae*.)

For respondent: Ralph E. Meczyk, Chicago, Ill.

(1 hour for argument.)

No. 03–1039. *Jill L. Brown, Acting Warden v. William
Charles Payton.*

Certiorari to the C. A. 9th Circuit.

For petitioner: Andrea N. Cortina, Deputy Attorney
General, San Diego, Cal.

For respondents: Dean R. Gits, Chief Deputy Federal
Public Defender, Los Angeles, Calif. (*Appointed by
this Court.*)

(1 hour for argument.)
